III. Claims 17–34, 37–55, 58, 59, 66 and 67: method claims including administering a 2-aminotetralin and (Claims 58, 59, 66 and 67 only) an antipsychotic;

IV. Claims 17–34, 37–55, 60, 61, 66 and 67: method claims including administering a 2-aminotetralin and (Claims 60, 61, 66 and 67 only) a sedative;

V. Claims 17–34, 37–55, 62, 63, 66 and 67: method claims including administering a 2-aminotetralin and (Claims 62, 63, 66 and 67 only) an anxiolytic;

VI. Claims 17–34, 37–55 and 64–67: method claims including administering a 2-aminotetralin and (Claims 64–67 only) an anti-migraine agent.

Applicant provisionally elects with traverse the invention of Group II, embodied in Claims 17–28, 30–35, 37–57, 66 and 67.

The present requirement is traversed as to restriction among Groups II–VI, all of which are drawn to methods for treating depression, on grounds explained more fully below. Applicant does not traverse the restriction between, on the one hand, Group I (drawn to therapeutic combinations) and, on the other hand, Groups II–VI (drawn to methods for treating depression).

Each of Groups II–VI is incorrectly described in the present Action. Applicant respectfully points out that each of Claims 17–28, 30–35 and 37–55 recites administration of a 2-aminotetralin compound and does not recite an additional active ingredient. These claims embrace monotherapy with the 2-aminotetralin compound as well as co-therapy with the 2-aminotetralin compound and any additional active ingredient(s). Claim 29 specifies that there is no additional antidepressant.

In Group II according to the Action, only Claims 35, 56, 57 and, in part, 66 and 67 are correctly characterized as being "drawn to a method of [treating] depression comprising administering to the mammal a therapeutically effective amount of a compound of formula (Claim 17) and an additional active ingredient [that is an] antidepressant."

In Group III according to the Action, only Claims 58, 59 and, in part, 66 and 67 are correctly characterized as being "drawn to a method of [treating] depression comprising administering to the mammal a therapeutically effective amount of a compound of formula (Claim 17) and an additional active ingredient [selected from] antipsychotics."

In Group IV according to the Action, only Claims 60, 61 and, in part, 66 and 67 are

correctly characterized as being "drawn to a method of [treating] depression comprising administering to the mammal a therapeutically effective amount of a compound of formula (Claim 17) and an additional active ingredient [selected from] sedatives."

In Group V according to the Action, only Claims 62, 63 and, in part, 66 and 67 are correctly characterized as being "drawn to a method of [treating] depression comprising administering to the mammal a therapeutically effective amount of a compound of formula (Claim 17) and an additional active ingredient [selected from] anxiolytics."

In Group VI according to the Action, only Claims 64, 65 and, in part, 66 and 67 are correctly characterized as being "drawn to a method of [treating] depression comprising administering to the mammal a therapeutically effective amount of a compound of formula (Claim 17) and an additional active ingredient [selected from] anti-migraine agents."

Applicant respectfully disagrees with the Examiner's analysis of Groups II–VI under PCT Rule 13.2 as allegedly lacking a technical relationship involving one or more of the same or corresponding "special technical features." With respect to Groups II–VI, the "special technical feature" is not merely the compound of the formula shown in Claim 17, which is admittedly old in the art. The "special technical feature" of Groups II–VI is administration of said compound to a mammal having depression. It is novel and inventive to treat depression with a 2-aminotetralin compound as defined in Claim 17, whether in monotherapy or in co-therapy with an additional active ingredient.

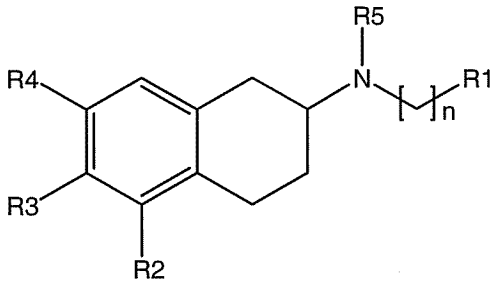
It is therefore respectfully suggested that the presently elected Group II be redefined to include all method claims, *i.e.*, Claims 17–35 and 37–67, having the above "special technical feature" in accordance with PCT Rule 13.2.

2. Requirement for election of species

By the present Action, Applicant is required to elect a single disclosed species within the provisionally elected Group II.

Applicant provisionally elects with traverse:

- as a species of 2-aminotetralin compound, rotigotine (*i.e.*, the compound of the formula



wherein n is 2; R1 is 2-thienyl; R2 is OH; R3 and R4 are each H; and R5 is propyl);

- as a species of depression, endogenous depression;
- as a species of antidepressant (with respect to Claims 35, 56, 57, 66 and 67 only), sertraline; and
- as a species of affective disorder, depressive phases in bipolar affective disorder.

The present election requirement is traversed on the following grounds.

1. The genus of 2-aminotetralin compounds embraced by the formula in Claim 17 is not so large as to impose an undue search burden on the Office.
2. The genus of depression, when searched in conjunction with compounds of the above formula, will be found not to impose an undue search burden on the Office.
3. The embodiment of greatest interest to Applicant at present comprises administration of a compound of the above formula without requirement for an additional active ingredient, thus requiring Applicant to elect a species of antidepressant focuses initial examination on an embodiment of lesser interest.
4. Errors in the description of Groups II–VI in the Action, as pointed out above, lead to implicit errors in the requirement for election of species within any of these Groups.

The following claims are readable on the provisionally elected species: Claims 17–26, 30–35, 37 and 48–67. It is noted that Claims 58–65 recite additional active ingredients other than antidepressants and are not included by the Examiner in Group II; however, these claims do not exclude presence of an antidepressant such as sertraline and for this reason are readable on the provisionally elected species.

The present provisional election of species does not constitute admission that Applicant considers the invention to be limited to such species.

In view of the complexities introduced by the incorrect characterization of Groups II–VI in the present Action, and the fact that these groups do share a "special technical feature" in accordance with PCT Rule 13.2, the Examiner is encouraged to telephone the undersigned at the number below for further resolution.

Respectfully submitted,

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